

**ORIGINAL**

From: James W. Riley  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, Delaware 19977

To: Honorable Gregory M. Sleet  
District Court of Delaware  
844 King Street  
Wilmington, Delaware 19801

April 6, 2005

Re: Riley v. Carroll (Habeas Case)  
Civ. A. No. 04-1435-GMS  
(Ex parte Communication)

Dear Judge Sleet,

I am writing you this ex parte letter in good faith to request the appointment of counsel for the limited purpose of obtaining my entire case files from my stand-by trial counsel, Mr. Joseph A. Gabay, who is presently in possession of these files now. The documents and tape recorded evidence in dispute here are protected by Rule of Attorney/Client Work Product and Privileged Information.

In these habeas proceedings there are substantial allegations that my stand-by trial counsel, Mr. Joseph A. Gabay, altered certain

records in my case files to incriminate me which could have been used as aggravating factors in the death-Eligibility stage of my capital trial and sentencing.

When I appealed to the Delaware Supreme Court, I specifically requested access to certain documents in my case files to support my direct appeal issues that I was constructively denied the constitutional right to counsel at trial and on appeal due to counsel's conflict of interest by manufacturing and altering records in my case files to incriminate and force me to accept the state's guilty plea agreement. ( See motions to stay all proceedings filed in the Delaware Supreme Court, Exhibits "G" and "H" to Petitioner's Habeas Petition).

Unexplainably, in its Order of March 29, 2004, the Delaware Supreme Court denied my motions to stay proceedings and request for evidence to establish an adequate state court record on the conflict of interest claims. ( See Supreme Court's Order exhibit "I" to Petitioner's Habeas Petition).

Wherefore in light of allegations of counsel's bad faith conduct in altering records of privileged information in my case files, this Honorable Court should appoint the assistance of counsel in these habeas proceedings and thereafter issue an ORDER

directing the present STand-by Counsel, Mr. Gabay, to relinquish all my case files to new counsel for safe-keeping and use as support of the conflict of interest claims set forth in grounds one thru four in petitioner's habeas petition. In toto, since this privileged information and false evidence were never reviewed by any of the state courts whom had ample opportunity to fully consider it, no party in these habeas proceedings can adequately respond hereto as ordered by the district court without first conducting an evidentiary hearing.

Thank You!  
James W. Riley  
Petitioner

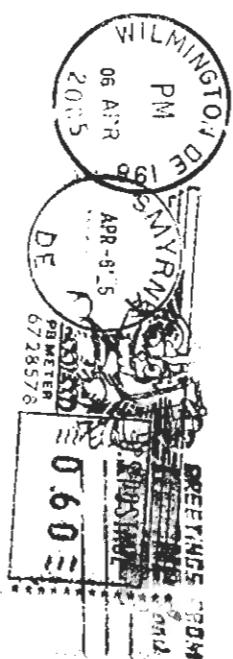
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